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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,524	02/20/2004	Thomas Kuchnel	MS1-1943US	7488
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LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201				
			EXAMINER	
			MOORTHY, ARAVIND K.	
			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/783,524	Applicant(s) KUEHNEL ET AL.	
	Examiner Aravind K. Moorthy	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-25 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This is in response to the communications filed on 21 May 2007.
2. Claims 6-25 are pending in the application.
3. Claims 6-25 have been rejected.
4. Claims 1-5 have been withdrawn from consideration.

#### ***Specification***

5. The abstract of the disclosure is objected to because misspelling. The applicant has misspelled the word "or" as "ore" in line 2 of the abstract. Correction is required. See MPEP § 608.01(b).

#### ***Election/Restrictions***

6. Claims 1-5 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 21 May 2007.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 25 recites the limitation "the PIN/password" in the preamble of the claim. There is insufficient antecedent basis for this limitation in the claim. Claim 25 depends upon claim 21.

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Claim 21 does not recite "a PIN/password". For the sake of examination, the examiner assumes that claim 24 depends upon claim 24.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**8. Claims 6-14, 16-23 and 25 rejected under 35 U.S.C. 102(e) as being anticipated by Henry et al U.S. Patent No. 6,856,800 B1.**

As to claim 6, Henry et al discloses a method of adding a device to a UPnP network, comprising:

retrieving, at a control point in the UPnP network, a device description associated with the UPnP device [column 3 line 61 to column 4 line 30];

invoking, at the control point, a first authentication process to authenticate the device with the control point [column 3 line 61 to column 4 line 30];

retrieving, at the control point, a service description associated with the device [column 3 line 61 to column 4 line 30]; and

retrieving, at the control point, a presentation page associated with the

device [column 3 line 61 to column 4 line 30].

As to claim 7, Henry et al discloses that upon connection to the UPnP network the device multicasts information about itself to a predetermined address [column 4, lines 54-64].

As to claim 8, Henry et al discloses that the control point uses the information multicast by the device to retrieve the device description [column 4, lines 54-64].

As to claims 9 and 18, Henry et al discloses that the first authentication process comprises:

receiving a certificate from the device [column 3 line 61 to column 4 line 30]; and

authenticating the device using the certificate [column 3 line 61 to column 4 line 30].

As to claims 10 and 19, Henry et al discloses that the first authentication process further comprises:

sending a certificate from the control point to the device [column 3 line 61 to column 4 line 30]; and

using the certificate at the device to authenticate the control point with the device [column 3 line 61 to column 4 line 30].

As to claims 11 and 20, Henry et al discloses that the certificate includes a public key associated with the device [abstract].

As to claims 12 and 21, Henry et al discloses that the certificate is issued by a certificate authority and includes a public key associated with the certificate authority [column 3 line 61 to column 4 line 30].

15. The method of claim 14, wherein the second authentication process

As to claims 13 and 22, Henry et al discloses that sending the certificate from the control point to the device comprises:

loading the certificate onto a memory module [column 3 line 61 to column 4 line 30]; and

transferring the certificate from the control point to the device on the memory module [column 3 line 61 to column 4 line 30].

As to claims 14 and 23, Henry et al discloses that the device invokes a second authentication process to authenticate the control point with the device [column 5 line 61 to column 6 line 35].

As to claims 16 and 25, The method of claim 15, wherein the PIN/password comprises:

a credential [column 4, lines 31-53]; and

a hash of a certificate sent from the device to the control point [column 4, lines 31-53].

As to claim 17, A method of adding a control point to a UPnP network, comprising:

transmitting a search request multicast from the control point to a predetermined network address [column 3, lines 10-32];

receiving a response to the multicast from at least one device in the UPnP network, wherein the response includes an indicator requesting a secure communication between the device and the control point [column 3, lines 10-32];

invoking, at the control point, a first authentication process to authenticate the device with the control point [column 3 line 61 to column 4 line 30];

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retrieving, at the control point, a device description associated with the UPnP device [column 3 line 61 to column 4 line 30];

retrieving, at the control point, a service description associated with the device [column 3 line 61 to column 4 line 30]; and

retrieving, at the control point, a presentation page associated with the device [column 3 line 61 to column 4 line 30].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**9. Claims 15, 16, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henry et al U.S. Patent No. 6,856,800 B1 as applied to claims 6 and 17 above, and further in view of Ito U.S. Patent No. 7,069,587 B2.**

As to claims 15 and 24, Henry et al does not teach that the second authentication process comprises transmitting a PIN/password from the control point to the device.

Ito teaches an authentication process that includes a control point transmitting a PIN to a device [column 5, lines 66 to column 6 line 16]. Ito teaches that the device is authenticated with the given PIN [column 5, lines 66 to column 6 line 16].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Henry et al so that the second authentication

15. The method of claim 14, wherein the second authentication process process would have included the control point transmitting a PIN to the device. The device would have been later authenticated with the PIN.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Henry et al by the teaching of Ito because it prevents any illicit access from unknown devices to a control point [column 2, lines 34-37].

As to claims 16 and 25, Henry et al teaches that the PIN/password comprises:

a credential [column 4, lines 31-53]; and

a hash of a certificate sent from the device to the control point [column 4, lines 31-53].




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***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aravind K Moorthy   
July 25, 2007

CHRISTOPHER REVAK  
PRIMARY EXAMINER

